

Indiana Department of Environmental Management
Office of Water Quality
Rule Fact Sheet

June 13, 2001

**Development of A New Rule
Establishing Ground Water Quality Standards**
LSA Document #99-263

Overview

The Indiana Department of Environmental Management (IDEM) is presenting the proposed ground water quality standards rule to the Water Pollution Control Board on June 13, 2001, for consideration of final adoption.

Citations Affected

This rulemaking adds new rule 327 IAC 2-11 and repeals 327 IAC 2-1-7 and 327 IAC 2-1.5-9.

Affected Persons

This rule will set standards that potentially affect all facilities, practices, and activities that impact the ground water of the state and are regulated by or under the jurisdiction of the departments of environmental management, natural resources, or health, and the state fire marshal or the state chemist.

Reason(s) for the Rule

The Ground Water Protection Act of 1989 (IC 13-18-17-5) requires the Water Pollution Control Board to adopt rules under IC 4-22-2 establishing ground water quality standards.

Economic Impact of the Rule

Because the adoption of the ground water standards does not directly impact the state or the regulated community until those

standards are applied to facilities, practices and activities through subsequent rulemaking, this rule has no direct economic impact. While this rule does immediately apply the standards to protect water supply wells, this specific application of the standards generally replaces the current interim ground water standards, which are repealed by the new rule. As such, there is no significant new or additional economic impact with this rulemaking.

Benefits of the Rule

The rule will establish standards for the protection of ground water which is a valuable resource providing the drinking water supply for more than half of Indiana's citizens.

Description of the Rulemaking Project

This rulemaking began with the October 1, 1997, *Indiana Register* publication of first notice; a previous rulemaking action was initiated with first notice publication on July 1, 1994, but did not come to fruition. The lapse of time caused IDEM to start the process anew.

The Ground Water Task Force (established by IC 13-18-17-1) formed a work group, in the spring of 1997, to develop ground water quality standards. Stakeholders from a variety of backgrounds, including the regulated community, citizen groups and other state agencies, were invited to participate in

the work group meetings, and the meetings were kept open for all to attend. Using the statute as a guide, the work group began discussions on the standards. The proposed rule is the result of coordination with other affected agencies, stakeholder input, internal and external work group discussions, and IDEM's interpretation of the statute.

Scheduled Hearings

First Public Hearing: October 13, 1999, at the WPCB meeting held at the Indiana Government Center-South.

Second Public Hearing: July 12, 2000, at the WPCB meeting held at the Indiana Government Center-South.

Third Public Hearing: June 13, 2001, at the WPCB meeting scheduled at the Indiana Government Center-South.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

1) All existing physical conditions and the character of the area affected.

2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

3) Zoning classifications.

4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant, animal, or aquatic

life; or

(B) the reasonable enjoyment of life and property.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first hearing, and the draft rule. The Water Pollution Control Board holds the first hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The draft ground water quality standards rule preliminarily adopted by the Water Pollution Control Board was considerably different than the draft rule that was noticed in the *Indiana Register*; therefore, IDEM opened a third comment period from January 1 through March 21, 2000. The second public hearing was held on July 12, 2000, with many public comments heard. The WPCB did not take a vote on final adoption, and in the year since the second public hearing, the rule has undergone modification. A third public hearing is scheduled for consideration of final adoption on June 13, 2001. If final adoption occurs, the rule will become effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section at (317) 232-8635 or Martha Clark, Ground Water Section at (317) 308-3388, Office of Water Quality, or (800) 451-6027 (in Indiana).

